	ES DISTRICT COURT OR THE	N CLERKS OFFICE
DISTRICT OF	MASSACHUSETTS	2005 OCT 21 ₱ 3: 30
ELIZABETH L. SHIELDS,)	
Plaintiff)	U.S. DISTRICT COUR'S DISTRICT OF MASS.
v.) CASE NO. 04 12	
KENNETH VAN VOORHIS, JR.,	<u>)</u>	
JOSEPH ELETTO TRANSFER, INC. and)	
AA TRUCK RENTING CORPORATION,)	
Defendants)	

DEFENDANTS' MOTION FOR LEAVE TO PARTICIPATE IN MEDIATION WITH ONLY DEFENSE COUNSEL IN MEDIATION

Now come all the defendants in the above matter and hereby move that they and their insurers' representative be granted leave not to attend the mediation on November 1, 2005 and that the defendants be permitted to participate in the mediation with only defense counsel in attendance on behalf of the defendants and their insurer.

As grounds the defendants state that this is a motor vehicle accident case. The medical expenses barely exceed the automobile tort threshold. Soft tissue injuries and traumatic spondoliothesis were alleged. The named defendants are the operator, leasee and lessor of one of the vehicles involved in the accident. Said vehicle is insured (with Clarendon National) and Atlantic Risk Management ("Atlantic") is the independent adjuster on behalf of said insurer. Atlantic is located in Woodbridge, Connecticut. The adjuster handling the matter at Atlantic (John Chiappardi) recently was reassigned and the new adjuster (Kerry Donovan) is unable to be present in person on November 1, 2005, but will be available throughout the mediation via telephone and will provide settlement authority to defense counsel (Paul R. Keane or Michael J. Keefe) in advance of the mediation and during the mediation if necessary/appropriate.

Wherefore, the defendants request leave to participate in the mediation with only defense counsel in attendance.

> Paul R. Keane, 4BO # 262880 Michael J. Keefe, BBO # 263751 Attorneys for the Defendants Martin, Magnuson, McCarthy & Kenney 101 Merrimac Street, 7th Floor Boston, MA 02114

CERTIFICATE OF SERVICE

617-227-3240

I, Michael J. Keefe, counsel for the defendants, hereby certify that on the 21st day of October, 2005, I served the above document mailing a copy thereof, postage prepaid to Sal J. Germani, Esq., Germani & Germani, P.C., 50 Union Street, P. O, Box 2178, Attleboro, MA 02703.

> Paul R. Keane, BBO # 262880 Michael J. Keefe, BBO # 263751 Attorneys for the Defendants Martin, Magnuson, McCarthy & Kenney 101 Merrimac Street, 7th Floor Boston, MA 02114 617-227-3240